

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NYHEIM REAVES,	:	Civil No. 3:21-cv-1282
	:	
Plaintiff,	:	
	:	(Judge Sylvia H. Rambo)
v.	:	
	:	
JENNIFER ROSSMAN, CURTIS	:	
GRICE, MS. BAKER and MS.	:	
NELSON,	:	
	:	
Defendants.	:	

ORDER

Before the court is the report and recommendation of United States Magistrate Judge Saporito (Doc. 67) recommending that the defendant's motion to dismiss (Doc. 46) be granted and that the amended complaint (Doc. 32) be dismissed without prejudice for failure to state a claim upon which relief can be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Plaintiff Reaves timely filed objections to the report and recommendation. (Docs. 70, 77.) However, Plaintiff's objections merely restate and reargue the very issues that Magistrate Judge Saporito already considered and rejected in the report and recommendation. Since mere disagreement with the report and recommendation is not a basis to decline to adopt the report and recommendation, the court construes the objections as general objections.

When a party raises only general objections to a report and recommendation, a district court is not required to conduct a *de novo* review of the report and recommendation. *Goney v. Clark*, 749 F.2d 5, 6-7 (3d Cir. 1984). “To obtain *de novo* determination of a magistrate’s findings by a district court, 28 U.S.C. § 636(b)(1) requires both timely and specific objections to the report.” *Id.* at 6. Thus, when reviewing general objections to a report and recommendation, the court’s review is limited “to ascertaining whether there is ‘clear error’ or ‘manifest injustice’” on the face of the record. *Boomer v. Lewis*, No. 3:06-cv-0850, 2009 WL 2900778, at *1 (M.D. Pa. Sept. 9, 2009).

The court has reviewed Judge Saporito’s report and recommendation and finds no clear error or manifest injustice on the face of the record. Accordingly, **IT IS HEREBY ORDERED** as follows:

- 1) The Report and Recommendation (Doc. 67) is **ADOPTED**;
- 2) The defendants’ motion to dismiss (Doc. 46) is **GRANTED**;
- 3) The amended complaint is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim upon which relief can be granted, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure;
- 4) Plaintiff is granted leave to amend his complaint in accordance with this order and the accompanying report and recommendation. Any amended complaint shall be complete in and of itself and shall be filed within fourteen days from today’s date.
- 5) Plaintiff’s motion for a preliminary injunction or temporary restraining order (Doc. 75) is **DENIED** for substantially the same reasons set forth in the report and recommendation; and

- 6) This matter is remanded to Magistrate Judge Saporito for further proceedings.

s/Sylvia H. Rambo

Sylvia H. Rambo

United States District Judge